IN RE: PETITION FOR RESIDENTIAL * BEFORE THE

ZONING VARIANCE
E/S Nunnery Lane, 435 ft. N of
N/S Merrill Road
145 Nunnery Lane
1st Election District
2nd Councilmanic District

Dorothy E. Leishear

* BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 92-146-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 ft., in lieu of the required 7.5 ft., and a rear yard setback of 5 ft., in lieu of the required 37.5 ft., for an open projection (deck) in a D.R. 10.5 zone, as more particularly described on Petitioner's Exhibit

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation

presented.

Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 145 NUNNery Lune

Bulro Mil. 21228

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

The House was constructed prior to the 19-15 Zoning Regulation

The New York Limit of 37.5 would limit any Perch/Deck to 1951.

Cregina Perch provided access to Boilding unity

House was Lind and Con a smaller, and shared Lot (See Flat)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE COL CONT

NOTARY PUBLIC

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of day of day, 1991 that the Petition for a Zoning Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 ft., in lieu of the required 7.5 ft., and a rear yard setback of 5 ft., in lieu of the required 37.5 ft., for an open projection (deck) in a D.R. 10.5 zone, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ER RECEIVED FOR FILING

Description of Property 145 Nunnery Lane Bulto., Md., 21228

92-146-A

HEGINNING for the same on the east side of Numbery Lane, as widened, at the distance of 535 feet northerly measured along the east side of Nunnery Lane from the north side of Merrill Road, 60 feet wide, which place of beginning is at a point in line with the partition wall between the house on the lot now being described and the house erected on the lot adjoining thereto on the south, running themce northerly, binding on the east side of Numnery Lane, 34.03 feet to the south side of an alley 15 feet wide there situate, thence running north 89 degrees 18 minutes 52 seconds east, binding on the south side of said alley, with the use thereof in common with others, 101.12 feet to a bend in said alley, thence running south 49 degrees 46 minutes 37 seconds east, binding on the continuation of the south side of said alley, with the use thereof in common with others, 15.11 feet to the west side of an alley 17.25 feet wide there situate, running thence south 8 degrees 50 minutes 20 seconds east, parallel with the east side of Nummery Lane and binding on the west side of said last mentioned alley, with the use there of in common with others, 8.27 feet to meet a line drawn easterly from the place of beginning to, through and along the center line of the partition wall above mentioned in this description, running thence westerly, reversing said line so drawn and binding thereon, 110 feet to the place of beginning. The improvements thereon being known as No. 145 Nunnery Lane.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

November 7, 1991

Mrs. Dorothy E. Leishear 145 Nunnery Lane Baltimore, Maryland 21228

RE: Petition for Residential Zoning Variance Case No. 92-146-A

Dear Mrs. Leishear:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn encl.

cc: Peoples Counsel

CERTIFICATE OF POSTING

201100 DEPARTMENT OF BALTIMORE COUNTY

Town, Maryland

Date of Posting Cettlev 12, 1991

Posted for: Location of Property: E/S The narry Lane, 435 111 of 11/5 The rich

Road 145 Thenry Lane

Location of Signs: In front of 145 Thenry Jane

Location of Signs: In front of 145 Thenry Jane

	Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204			i eet		
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PETITION FOR RESIDENTIAL VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described the description and plat attached hereto and made a part hereof, petition for a Variance from Section 301.

TO ALION A SIDE YARD SETBACK OF L'AND A REAR YARD SUTBACK OF

5' IN LIEW OF The Required 75 + 37.5' For an open Projection

(Deck) ING-DR 10.5 ZONE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

The House was constructed product, the 1945 December Regulation

The Rear Sethick Limit of 375 as let limit any French/Deck to 1.5

enginal feech provided access to Bette by engine at (See 1964)

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	<pre>1/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal</pre>
	owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
Type or Print Name)	(Type or Print Name) Signature
Signature	- Marine Kare Keep
	o signatura
lddresa	(Type or Print Name)
lty/State/Zip Code	Signature
Attorney for Petitioner:	
Type or Print Name)	Address Phone
ilgrature	City/State/Zip Code
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
	101 1111 1 661 1151
ittorney's telephone number	Name
	Address Phone
	11 MAIN

ERDERED by the Zoning Commissioner of Baltimore County, this $\frac{1}{2} \frac{1}{2} \frac{1}{2}$

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED ANO/OR FOUND TO BE REQUIRED.

in Room 108, County Office Building in Towson, Baltimore County.

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ______ day of ______, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

SONTING COMPUSED BELLEVED FOR ELLING

out Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County

Ву_____

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

Petaber 5, 1991

111 West Chesapeake Avenue Towson, MD 2120+

> 145 Nunnery Lane Baltimore, MD 21228

Porothy E. Leishear

COPY

887 3353

Re: CASE NUMBER: 92-146-A

LOCATION: E/S Numbery Lane, 435' N of N/S Merrill Road

145 Numbery Lane

1st Election District - 2nd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 20, 1991. The closing date is November 4, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

Yawille Emily

Lawrence E. Cohnidt

Zoning Commissioner

Baltimore County









